

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:21-CV-05564(JMF)

MARIA REYES,

Plaintiff,

- against -

**REQUEST FOR CERTIFICATE OF
DEFAULT**

RICHARD BUSES INC. and
FIRST STEPS TRANS., INC.,

Defendants.

To: RUBY J. KRAJICK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

Please enter the default of Defendants, RICHARD BUSES INC. and FIRST STEPS TRANS., INC., pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action as fully appears from the court file herein from the attached affirmation of Joshua Eidsvaag.

Dated: August 13, 2021

/S/ Joshua Eidsvaag

LAW OFFICE OF JAMES F. SULLIVAN, P.C.

By: Joshua Eidsvaag, Esq.

Attorneys for the Plaintiff

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:21-CV-05564(JMF)

MARIA REYES,

Plaintiff,

- against -

RICHARD BUSES INC., and
FIRST STEPS TRANS., INC.,

Defendants.

**AFFIRMATION IN SUPPORT OF
REQUEST FOR CLERK'S
CERTIFICATE OF DEFAULT**

AFFIRMATION OF JOSHUA EIDSVAAG

I, Joshua Eidsvaag, affirm, under penalty of perjury, and pursuant to 28 U.S.C. § 1746, that the following is true and accurate:

1. I am a member of Law Office of James F. Sullivan, P.C., counsel for Plaintiff, MARIA REYES, in this action.

2. This action was commenced pursuant to the Fair Labor Standards Act, U.S.C. § 201 et seq., New York Labor Law, NYLL §190 et seq., ("Article 6"), NYLL §650 et seq., ("Article 19"), and New York Codes, Rules and Regulations, Title 12.

3. Plaintiff, MARIA REYES, filed the complaint in this action against Defendants on June 25, 2021, alleging violations of the Fair Labor Standards Act, as amended, § 201 et seq., New York Labor Law, NYLL §190 et seq., ("Article 6"), NYLL §650 et seq., ("Article 19"), and New York Codes, Rules and Regulations, Title 12 for: (1) failing to pay Plaintiff wages at the minimum wage rate; (2) failing to pay Plaintiff wages at the overtime wage rate for all hours worked over forty (40) hours in a work week; (3) failing to provide Plaintiff with a wage notice pursuant to NYLL §195(1); (4) failing to provide Plaintiff with wage statements pursuant to

NYLL §195(3); and (5) liquidated damages; (6) prejudgment and post-judgment interest; and (7) attorney's fees and costs. A true and correct copy of the Complaint is annexed hereto as **Exhibit 1**.

4. On June 30, 2021, Plaintiff properly served Defendant, RICHARD BUSES INC., by serving copies of the Summons and Complaint through the New York State Department of State. See **Exhibit 2**. Such service was made pursuant to the applicable law.

5. On June 30, 2021, Plaintiff properly served Defendant, FIRST STEPS TRANS., INC., by serving copies of the Summons and Complaint through the New York State Department of State. See **Exhibit 2**. Such service was made pursuant to the applicable law.

6. Defendants, RICHARD BUSES INC. and FIRST STEPS TRANS., INC., answer was due on July 30, 2021.

7. The time for Defendants to answer has expired. The Defendants have not answered or otherwise defended this action and the time for Defendants to answer or otherwise move with respect to the complaint herein has expired and has not been extended.

8. Defendants, RICHARD BUSES INC. and FIRST STEPS TRANS., INC., are corporations and are not infant(s) or incompetent person(s). Defendants, RICHARD BUSES INC. and FIRST STEPS TRANS., INC., are not presently in the military service of the United States as appears from facts in this litigation.

9. Defendants, RICHARD BUSES INC. and FIRST STEPS TRANS., INC., are indebted to Plaintiff for: (1) unpaid wages at the minimum wage rate; (2) unpaid wages at the overtime wage rate for hours worked over forty (40) hours in a work week; (3) statutory damages under NYL §195(1) and NYLL §195(3) for failure to provide adequate wage notices and wage

statements to Plaintiff; (4) liquidated damages, pre-judgment and post-judgment interest, and attorney's fees and costs.

WHEREFORE, Defendants, RICHARD BUSES INC. and FIRST STEPS TRANS., INC.'s, default should be noted and a certificate of default issued. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.

Dated: August 13, 2021

/S/ Joshua Eidsvaag

LAW OFFICE OF JAMES F. SULLIVAN, P.C.

By: Joshua Eidsvaag, Esq.

Attorneys for the Plaintiff

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